

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRED LEICHT

Plaintiff

vs.

AUTOZONE, et al.

Defendants

* Case No. C-1-00-853

*

Judge Dlott

*

*

AFFIDAVIT OF MARK W. NAPIER

*

State of Ohio

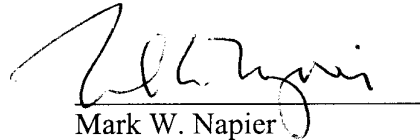
SS:

County of Hamilton

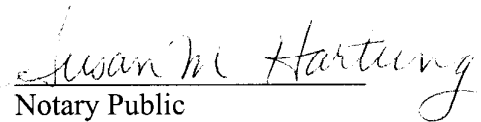
MARK W.NAPIER, being first duly cautioned and sworn, states as follows:

1. That he is an attorney duly admitted to this Court, and has been admitted to the Ohio Bar since 1978;
2. That he is an employee and associate attorney of Freking and Betz, and has served as counsel on behalf of Plaintiff in this matter ;
3. That attached to this Affidavit as Exhibit A is a summary document compiled from data extracted from time records and other documents produced by Defendant Auto Zone;
4. That Exhibit A depicts those eligible class members whose time records disclose they had work time removed from their time records during the period in question;
5. That attached to this Affidavit as Exhibit B is a summary sheet and supporting entries disclosing the individual and total Freking & Betz attorney and staff time hours spent in this matter;

6. That attached to this Affidavit as Exhibit C is a document listing total expenses of \$866.12 incurred to notify class members in accordance with this Court's Order;
7. That the above statements are based on Affiant's personal knowledge.


Mark W. Napier

Sworn to before me and subscribed in my presence this 1st day of June, 2005.


Notary Public

SUSAN M. HARTUNG
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06-17-06

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2004, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. mail to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

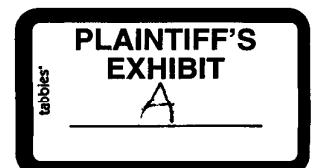
_____/s/ Mark W. Napier

Leicht Class Members

The following Autozone Store 705 employees' time records were altered during the period beginning October 10, 1997 and ending June 30, 2000.

TOTAL MONIES OWED FOR SHORTED TIME: \$4,760.27

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Anderson, Damon: \$160.11 owed
14.45 hours shorted
\$11.08 hourly rate</p> <p>2. Bernzott, A: \$347.55 owed
32.27 hours shorted
\$10.77 hourly rate</p> <p>3. Blaut, Stephen: \$26.58 owed
2.00 hours shorted
\$13.29 hourly rate</p> <p>4. Branhan, Leslie: \$4.85 owed
0.57 hours shorted
\$8.50 hourly rate</p> <p>5. Brennen, Brandon: \$1.54 owed
0.22 hours shorted
\$7.00 hourly rate</p> <p>6. Burns Sr., Bruce: \$56.31 owed
7.92 hours shorted
\$7.11 hourly rate</p> <p>7. Campbell, Keith: \$121.90 owed
15.77 hours shorted
\$7.73 hourly rate</p> <p>8. Canty, Craig: \$12.39 owed
1.77 hours shorted
\$7.00 hourly rate</p> <p>9. Chaney, Tom: \$22.96 owed
3.28 hours shorted
\$7.00 hourly rate</p> <p>10. Clayton, Tommie: \$119.75 owed
16.27 hours shorted
\$7.36 hourly rate</p> <p>11. Cramer, Gary: \$7.60 owed</p> | <p>12. Creek, Randy: \$18.00 owed
2.00 hours shorted
\$9.00 hourly rate</p> <p>13. Crouch, Jason: \$5.63 owed
0.75 hours shorted
\$7.50 hourly rate</p> <p>14. Doherty, Amanda: \$18.90 owed
3.00 hours shorted
\$6.30 hourly rate</p> <p>15. Doyle, James: \$161.19 owed
19.42 hours shorted
\$8.30 hourly rate</p> <p>16. Dunckley, George: \$13.84 owed
1.73 hours shorted
\$8.00 hourly rate</p> <p>17. Dyer, David: \$240.31 owed
26.35 hours shorted
\$9.12 hourly rate</p> <p>18. Eppert, Clinton: \$0.00 owed
0.00 hours shorted
\$7.00 hourly rate</p> <p>19. Ernst, Steven: \$5.94 owed
0.72 hours shorted
\$8.25 hourly rate</p> <p>20. Eshman, Terry: \$73.14 owed
9.03 hours shorted
\$8.10 hourly rate</p> <p>21. Fahrian Sr., Wilfred: \$103.22 owed</p> |
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- 9.83 hours shorted
\$10.50 hourly rate
22. **Feedback, Tracy: \$7.02 owed**
1.17 hours shorted
\$6.00 hourly rate
23. **Flynn, Douglas: \$0.00 owed**
0.00 hours shorted
\$12.16 hourly rate
24. **Frey, Jeffrey: \$85.26 owed**
8.12 hours shorted
\$10.50 hourly rate
25. **Gardner, David: \$45.44 owed**
5.68 hours shorted
\$8.00 hourly rate
26. **Gibson, Kalesha: \$176.96 owed**
26.53 hours shorted
\$6.67 hourly rate
27. **Grace, Michael: \$105.65 owed**
13.92 hours shorted
\$7.59 hourly rate
28. **Guenther, Sam: \$299.64 owed**
30.42 hours shorted
\$9.85 hourly rate
29. **Hacker, James: \$0.00 owed**
0.00 hours shorted
\$8.25 hourly rate
30. **Hassenger, Mark: \$58.88 owed**
7.85 hours shorted
\$7.50 hourly rate
31. **Hensley, Joyce: \$9.45 owed**
1.35 hours shorted
\$7.00 hourly rate
32. **Hodges, John: \$42.21 owed**
4.02 hours shorted
\$10.50 hourly rate
33. **Holland, Chester: \$74.40 owed**
9.30 hours shorted
\$8.00 hourly rate
34. **Hooven, Richard: \$18.63 owed**
2.07 hours shorted
\$9.00 hourly rate
35. **Hughes, Teresa: \$9.62 owed**
1.48 hours shorted
\$6.50 hourly rate
36. **Jung, Eric: \$3.71 owed**
0.57 hours shorted
\$6.50 hourly rate
37. **King, Shonda: \$21.49 owed**
3.07 hours shorted
\$7.00 hourly rate
38. **Kitchens Jr, Levi: \$4.25 owed**
0.63 hours shorted
\$6.75 hourly rate
39. **Klenk, Daniel: \$32.70 owed**
3.27 hours shorted
\$10.00 hourly rate
40. **Knotts, Steven: \$220.88 owed**
22.47 hours shorted
\$9.83 hourly rate
41. **Knox, Monica: \$43.31 owed**
6.93 hours shorted
\$6.25 hourly rate
42. **Legendre, Marcie: \$74.41 owed**
10.48 hours shorted
\$7.10 hourly rate

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| <p>43. Leicht, Fred: \$120.98 owed
11.70 hours shorted
\$10.34 hourly rate</p> <p>44. Lucas, Mark: \$261.11 owed
26.78 hours shorted
\$9.75 hourly rate</p> <p>45. Lundy III, John: \$39.44 owed
4.93 hours shorted
\$8.00 hourly rate</p> <p>46. McClendon, Nicki: \$44.96 owed
6.27 hours shorted
\$7.17 hourly rate</p> <p>47. McRae, Michael: \$105.48 owed
11.63 hours shorted
\$9.07 hourly rate</p> <p>48. Metz, Jami: \$46.34 owed
6.62 hours shorted
\$7.00 hourly rate</p> <p>49. Murray, Farris: \$8.40 owed
1.20 hours shorted
\$7.00 hourly rate</p> <p>50. Odenbach Jr, Richard: \$0.83 owed
0.08 hours shorted
\$10.42 hourly rate</p> <p>51. Payne, Dionsoylo: \$47.70 owed
6.68 hours shorted
\$7.14 hourly rate</p> <p>52. Peters, Lori: \$30.98 owed
4.13 hours shorted
\$7.50 hourly rate</p> <p>53. Petrey, Rondall: \$64.01 owed
6.92 hours shorted
\$9.25 hourly rate</p> <p>54. Polilli, Robert: \$14.65 owed</p> | <p>55. Pong, Michael: \$0.00 owed
0.00 hours shorted
\$14.98 hourly rate</p> <p>56. Post, Ross: \$27.00 owed
3.00 hours shorted
\$9.00 hourly rate</p> <p>57. Putnick Jr., Jack: \$36.02 owed
3.47 hours shorted
\$10.38 hourly rate</p> <p>58. Ramsey, Frank: \$28.05 owed
3.30 hours shorted
\$8.50 hourly rate</p> <p>59. Reed Jr, Barry: \$40.46 owed
5.62 hours shorted
\$7.20 hourly rate</p> <p>60. Roos, Adam: \$27.65 owed
3.95 hours shorted
\$7.00 hourly rate</p> <p>61. Rue, Dan: \$229.09 owed
21.45 hours shorted
\$10.68 hourly rate</p> <p>62. Sargent, William: \$39.56 owed
5.58 hours shorted
\$7.09 hourly rate</p> <p>63. Schaaf, James: \$120.39 owed
14.47 hours shorted
\$8.32 hourly rate</p> <p>64. Scully, David: \$62.77 owed
6.10 hours shorted
\$10.29 hourly rate</p> <p>65. Sellmeyer, Mark: \$12.95 owed
1.85 hours shorted</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- \$7.00 hourly rate
66. **Sexton, Angela: \$82.75 owed**
12.93 hours shorted
\$6.40 hourly rate
67. **Slaughter, Garth: \$2.03 owed**
0.25 hours shorted
\$8.10 hourly rate
68. **Smith, Dudley: \$171.64 owed**
20.83 hours shorted
\$8.24 hourly rate
69. **Steed, Juan: \$61.72 owed**
9.05 hours shorted
\$6.82 hourly rate
70. **Steiman, Tom: \$45.26 owed**
4.27 hours shorted
\$10.60 hourly rate
71. **Thomas, Danny: \$12.24 owed**
1.53 hours shorted
\$8.00 hourly rate
72. **Thomas, Deidre: \$10.71 owed**
1.53 hours shorted
\$7.00 hourly rate
73. **Valone, Christina: \$1.22 owed**
0.18 hours shorted
\$6.75 hourly rate
74. **Vastola, Andrew: \$25.47 owed**
2.83 hours shorted
\$9.00 hourly rate
75. **Walters, Tony: \$1.37 owed**
0.13 hours shorted
\$10.50 hourly rate
76. **Wespesser, Eugene: \$20.64 owed**
2.58 hours shorted
\$8.00 hourly rate
77. **Wheat, Kyle Anthony: \$60.78 owed**
6.00 hours shorted
\$10.13 hourly rate

Summary of Billable Hours

Fred Leicht et al v. Autozone

Attorney/Paralegal	Total No. of Hours	Hourly Rate	Total
Randolph H. Freking	8.9	350	\$3,115.00
Carol S. Wood	135.8	250	33,950.00
Kelly Mulloy Myers	0.1	200	20.00
Mark Napier	41.3	260	10,738.00
Kathi J. Huber	5.7	85	484.50
Clinton R. Collins	0.3	85	25.50
Angel Carpenter	21.8	60	1,308.00
Jennifer Trakas	136.0	50	6,800.00
Suzanne L. Mehl	21.0	85	1,785.00
Anna Gercas	11.8	50	590.00
Tod Thompson	0.4	85	34.00
Jenna White	1.9	25	47.50
Law Clerks (various)	58.1	60	3,486.00
Total Fees			\$62,383.50



FREKING & BETZ
 215 EAST NINTH STREET
 FIFTH FLOOR
 CINCINNATI, OH 45202
 (513) 721-1975

Fred Leicht
 2963 Lischer Avenue
 Cincinnati OH 45211

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 June 01, 2005
 Client Number 1460L
 Statement No: 28234

Litigation - AutoZone, Inc.

STATEMENT FOR SERVICES

Professional services

	Hours
05/26/00 CSW Draft investigation letter - L. Mustain	0.40
06/05/00 CSW Review letter from A. Smith	0.10
07/12/00 CSW Draft letter - A. Smith	0.20
09/07/00 CSW Research -wage and hour; draft complaint	1.80
09/08/00 CSW Draft Complaint	0.80
09/11/00 CSW Conference with Fred re Complaint	0.10
09/20/00 CSW Draft Complaint	0.50
09/23/00 CSW Draft letter; Reivse complaint	0.90
09/26/00 CSW Telephone conference with Fred	0.10
10/02/00 CSW Research; call to Fred.	0.50
CSW Telephone conference with Fred regarding proceeding.	0.30
10/10/00 CSW Finalize complaint to file.	2.80
10/25/00 CSW Telephone conference with Fred regarding service.	0.10
11/15/00 CSW Conference with Kathi.	0.10
KJH Conference with Carol Wood	0.10
11/17/00 CSW Conference with Kathi regarding service of complaint.	0.10
KJH Prepare waivers; letter to Fred.	0.30
KJH Conference with Carol Wood	0.10
11/22/00 KJH Create pleading board and update Abacus.	0.30
12/06/00 CSW Review documents from Fred.	0.30
12/11/00 CSW Research brief time.	0.20
12/13/00 CSW Review letter - W. Christy	0.10

Fred Leicht

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June 01, 2005

Client Number 1460L

Statement No: 28234

Litigation - AutoZone, Inc.

	Hours
12/27/00 AC Update pleading board.	0.10
01/11/01 CSW Review letter, stipulation of extension of time, motions	0.40
01/16/01 AC Update pleading board.	0.10
01/17/01 AC Conference with Randy and Carol.	0.10
RHF Conference with Carol, et al, regarding status.	0.10
SLM Conference with Randy and Carol regarding status.	0.10
CRC Conference with Carol, Randy et al	0.10
CSW Conference with Randy et al	0.10
CSW Review letter - M. Blubaugh	0.10
01/22/01 AC Update pleading board.	0.10
SLM Extensive file review; draft discovery; conference with Susan.	0.70
SLM Review and revise discovery requests.	0.60
01/25/01 CSW Conference with Fred.	0.20
01/26/01 CSW Brief	0.50
01/31/01 AC Update pleading board.	0.10
CSW Class brief.	2.00
02/01/01 SLM Review and revise discovery requests; letter to counsel.	0.80
CSW Discovery; conference with defendant's counsel.	0.50
CSW Finalize discovery; motion.	2.40
02/05/01 AC Update discovery notebook.	0.10
CSW Motion	1.50
RHF Review letter and Defendant's motions	0.20
02/06/01 AC Update pleading board.	0.10
CSW Brief	2.00
02/07/01 KJH Answer comparison.	0.30
CSW Brief; telephone conference with Fred.	3.00
CSW Meet with Fred.	0.50
CSW Review letter and Answer	0.20
02/08/01 AC Update pleading board.	0.10
02/12/01 AC Update pleading board.	0.10
CSW Review order from court.	0.10
02/16/01 CSW Review e-mail.	0.10
02/21/01 CSW Review letter - T. Ken Hidalgo	0.10
02/23/01 CSW Review order from Court	0.10
03/05/01 CSW Review agreed order	0.10